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15 *Attorneys for Defendant Zuffa, LLC, d/b/a*
16 *Ultimate Fighting Championship and UFC*

17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA

19
20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
21 Vera, Luis Javier Vazquez, and Kyle
Kingsbury on behalf of themselves and all
22 others similarly situated,

23 Plaintiffs,

24 v.

25 Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

26 Defendant.

Case No.: 2:15-cv-01045-RFB-(PAL)

**DECLARATION OF STACEY K.
GRIGSBY IN SUPPORT OF
DEFENDANT ZUFFA, LLC'S
OPPOSITION TO PLAINTIFFS'
MOTION TO CHALLENGE
ATTORNEY-CLIENT PRIVILEGE
(ECF No. 320)**

[FILED PUBLICLY]

1 I, Stacey K. Grigsby, declare as follows:

2 1. I am an attorney admitted to practice before the courts in the states of New York
3 and the District of Columbia and am admitted Pro Hac Vice to practice before this Court. I am a
4 Partner in the law firm Boies, Schiller & Flexner LLP, and represent Defendant Zuffa, LLC
5 (“Zuffa”) in this case.

6 2. I make this declaration in support of Defendant Zuffa, LLC’s Opposition to
7 Plaintiffs’ Motion to Challenge Attorney-Client Privilege (ECF No. 320). Based on my review of
8 the files and records in this case, and my discussions with attorneys involved with reviewing the
9 documents at issue in this litigation, I have personal knowledge of the contents of this declaration
10 and could testify thereto.

11 3. On November 30, 2016, during Plaintiffs’ deposition of Zuffa, pursuant to Fed. R.
12 Civ. P. 30(b)(6), Plaintiffs’ counsel attempted to introduce as an exhibit the document bearing
13 Bates number ZFL-1014072. I immediately clawed back the document on the record pursuant to
14 Section 11 of the Revised Stipulation and Protective Order (ECF No. 217) (“Protective Order”) as
15 privileged in its entirety under the attorney-client privilege.

16 4. After clawing back the document bearing Bates number ZFL-1014072, on
17 November 30, 2016, I undertook an initial search to attempt to determine whether any documents
18 related to the ZFL-1014072 document were also inadvertently produced and not marked as
19 privileged. My initial search revealed that the related document bearing Bates number ZFL-
20 1014049 was also inadvertently produced.

21 5. On November 30, 2016, during the 30(b)(6) deposition, Plaintiffs’ counsel
22 attempted to introduce as an exhibit the document bearing Bates number ZFL-1845329. I
23 immediately clawed back the document on the record pursuant to the Protective Order as
24 privileged in part under the attorney-client privilege.

25 6. On the same day, I also undertook an initial search to attempt to determine whether
26 any documents related to the ZFL-1845329 document were also inadvertently produced and not
27 marked as privileged. My initial search revealed that the documents bearing Bates numbers ZFL-
28

1 1845332, ZFL-1845335, and ZFL-1845337 were also inadvertently produced without the proper
2 redactions for attorney-client privileged information.

3 7. On November 30, 2016, I sent a formal letter to Plaintiffs' counsel, informing
4 them that, pursuant to the Protective Order, Zuffa intended to claw back the documents I
5 identified as attorney-client privileged during the 30(b)(6) deposition and the additional privileged
6 documents I found as a result of Zuffa's initial investigation. This letter has been filed as
7 Exhibit 13 to the Declaration of Kevin E. Rayhill in Support of Plaintiffs' Motion to Challenge
8 Attorney-Client Privilege ("Rayhill Declaration"). Along with that letter, I provided Plaintiffs'
9 counsel with a redacted version of the ZFL-1845329 document.

10 8. After sending the November 30, 2016 letter to Plaintiffs' counsel, I began
11 additional document searches to determine whether any other related privileged documents had
12 been inadvertently produced to Plaintiffs. Those searches revealed that one related e-mail thread
13 and one duplicate copy of the ZFL-1014072 document had been inadvertently produced without
14 being marked as privileged. These additional documents bear Bates numbers ZFL-0550804,
15 ZFL-1014045, ZFL-1014047, ZFL-1014049, ZFL-1014078, ZFL-1014102, and ZFL-1014103.

16 9. On Monday, December 5, 2016, I sent a second letter to Plaintiffs' counsel
17 clawing back the documents bearing Bates numbers ZFL-0550804, ZFL-1014045, ZFL-1014047,
18 ZFL-1014049, ZFL-1014078, ZFL-1014102, and ZFL-1014103, pursuant to the Protective Order.

19 10. Zuffa inadvertently produced all of the documents referenced above. I have
20 investigated the circumstances regarding this inadvertent production and, while the documents
21 were initially properly coded as privileged, an error in the coding process resulted in the
22 documents being erroneously marked as not privileged.

23 11. [REDACTED]
24 [REDACTED]
25 [REDACTED] I, along with other
26 counsel for Zuffa, have been using great care to ensure that the inadvertent production of
27 privileged documents does not occur.
28

13. Attached hereto as Exhibit B is a true and correct copy of [REDACTED]

13. Attached hereto as Exhibit B is a true and correct copy of [REDACTED]
[REDACTED]
[REDACTED]

14. Attached hereto as Exhibit C is a true and correct copy of [REDACTED]

14. Attached hereto as Exhibit C is a true and correct copy of [REDACTED]
[REDACTED]
[REDACTED].

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct. Executed this 3rd day of January, 2017, in Washington, DC.

/s/ Stacey K. Grigsby
Stacey K. Grigsby